IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Criminal Writ Petition No. 1121 of 2004 (M/B)

1. Manoj Gautam S/o J.N. Gautam
   R/o 535, Model Colony, Awas Vikas Jwalapur,
   P.S. Kotwali Jwalapur, District Haridwar.
2. Ved Prakash Sharma @ Vedanand Saraswati,
   S/o Jagdish Prasad
3. Smt. Kalpana Sharma W/o Mukesh Sharma
4. Smt. Meena Devi W/o Ved Prakash Sharma
   All R/o Sharda Dham, Near Ranipur, Jhal,
   Jwalapur, P.S. Jwalapur, District Haridwar,
   At present R/o 114, Kharikuoa, Hapur,
   District Ghaziabad. …… Petitioners

Versus

State of Uttaranchal & others. …… Respondents

Mr. Lok Pal Singh, learned counsel on behalf of the petitioners.
Mr. D.K. Sharma, learned Government Advocate for the State.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Rajesh Tandon, J.

(Per Hon'ble the Chief Justice)

1. Heard Mr. Lok Pal Singh, learned counsel for the petitioners and Mr. D.K. Sharma, learned Government Advocate, who accepted the notice on behalf of respondents No. 1 to 2.

2. Mr. D.K. Sharma, learned public prosecutor makes a statement that this being a matter of civil nature, in respect of which a civil suit is also pending, the Investigating Agency does not propose to arrest the petitioners. On this basis, Mr. Lok Pal Singh, learned counsel seeks to withdraw the writ petition. Writ petition is allowed to be withdrawn. However, it is observed that if the Investigating Agency finds a cause to arrest the petitioners, it shall so only after giving 15 days' notice to the petitioners.

3. Accordingly, the writ petition is disposed of a withdrawn.

(Rajesh Tandon, J.) **(V.S. Sirpurkar, C.J.)**
17.11.2004 **17.11.2004**

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